

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MOUNIR HOWARD,

Plaintiff,

v.

6:23-CV-1160  
(GTS/ML)

ONEIDA COUNTY DISTRICT ATTORNEY'S OFFICE;  
AMANDA TUCCIARONE, District Atty.;  
TODD CARVILLE, District Atty.;  
SCOTT D. McNAMARA, District Atty.; and  
GRANT GARRAMONE, District Atty.,

Defendants.

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APPEARANCES:

MOUNIR HOWARD, 18323

Plaintiff, *Pro Se*

Oneida County Correctional Facility  
6075 Judd Road  
Oriskany, New York 13424

GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* civil rights action filed by Mounir Howard (“Plaintiff”) against the Oneida County District Attorney’s Office and District Attorneys Amanda Torcione, Todd Carville, Scott D. McNamara and Grant Garramone (“Defendants”), is United States Magistrate Judge Miroslav Lovric’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed with leave to amend. (Dkt. No. 4.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Lovric's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Lovric employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. (Dkt. No. 4.) As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 4) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) shall be **DISMISSED** without prejudice, and without further Order of this Court, **UNLESS**, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff filed an **AMENDED COMPLAINT** that cures the pleading defects identified in the Report-Recommendation; and it is further

**ORDERED** that, should Plaintiff wish to file an Amended Complaint in this action, any such Amended Complaint must be a complete pleading that supercedes and replaces his original Complaint in all regards, and that complies with the pleading standards set forth in Fed. R. Civ. P. 8 and 10 and Local Rule 10.1 of the District's Local Rules of Practice; and it is further

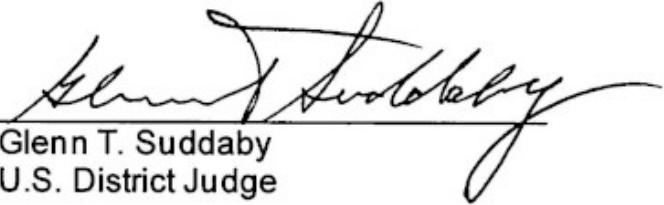
**ORDERED** that, should Plaintiff file an Amended Complaint within the above-

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

mentioned thirty (30) day time period, that Amended Complaint shall be referred to Magistrate Judge Lovric for further review pursuant to 28 U.S.C. § 1915.

Dated: February 2, 2024  
Syracuse, New York



Glenn T. Suddaby  
U.S. District Judge